

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

JUXTACOMM-TEXAS SOFTWARE, LLC

PLAINTIFF,

v.

Civil Action No. 6:10-CV-00011

- (1) AXWAY, INC.,
- (2) BRITISH AIRWAYS PLC,
- (3) DATAFLUX CORPORATION,
- (4) IONA TECHNOLOGIES LIMITED,
- (5) INSIGHT ENTERPRISES, INC.,
- (6) LAWSON SOFTWARE, INC.,
- (7) LAWSON SOFTWARE AMERICAS, INC.,
- (8) L'OCCITANE, INC.,
- (9) MAGIC SOFTWARE ENTERPRISES, INC.,
- (10) MAGIC SOFTWARE ENTERPRISES LTD.,
- (11) OFFICE DEPOT, INC.,
- (12) PERVASIVE SOFTWARE, INC.,
- (13) PROGRESS SOFTWARE CORPORATION,
- (14) RED HAT, INC.,
- (15) RICOH AMERICAS CORPORATION,
- (16) ROTECH HEALTHCARE, INC.,
- (17) SAS INSTITUTE, INC.,
- (18) SCHENKER, INC.,
- (19) SECO TOOLS, INC.,
- (20) SONIC SOFTWARE CORPORATION,
- (21) TIBCO SOFTWARE, INC.,
- (22) VITRIA TECHNOLOGY, INC.,

DEFENDANTS.

**JURY DEMAND**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff JuxtaComm-Texas Software, LLC ("JuxtaComm") files this Original Complaint for damages and injunctive relief against Axway, Inc., British Airways PLC, DataFlux Corporation, Iona Technologies Limited, Insight Enterprises, Inc., Lawson Software, Inc., Lawson Software Americas, Inc., L'Occitane, Inc., Magic Software Enterprises, Inc., Magic Software Enterprises Ltd., Office Depot, Inc., Pervasive Software, Inc., Progress Software

Corporation, Red Hat, Inc., Ricoh Americas Corporation, Rotech Healthcare, Inc., SAS Institute, Inc., Schenker, Inc., Seco Tools, Inc., Sonic Software Corporation, TIBCO Software Inc., and Vitria Technology, Inc. In support of its Original Complaint, JuxtaComm-Texas shows as follows:

**THE PARTIES**

1. JuxtaComm is a limited liability corporation duly organized and existing under the laws of Texas, having its principal place of business in Tyler, Texas.

2. Defendant Axway Inc. ("Axway") is a Delaware corporation, and its principal place of business is located at 6811 E. Mayo Blvd., Suite 400, Phoenix, Arizona 85054. Axway's agent for service of process is: The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

3. Defendant British Airways PLC ("BA") is a British corporation, and its principal place of business is located at Waterside, P.O. Box 365, Harmondsworth UB7 0GB, United Kingdom. British Airways' agent for service of process is: CT Corporation System, 350 N. St. Paul St., Dallas, Texas 75201.

4. Defendant DataFlux Corporation ("DataFlux"), a Delaware corporation, is a direct or indirect subsidiary of SAS Institute Inc. DataFlux's principal place of business is located at 940 NW Cary Parkway, Suite 201, Cary, NC 27513, and its agent for service of process is: The Company Corporation, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

5. Defendant Iona Technologies Limited ("Iona"), an Irish public limited company, is a direct or indirect subsidiary of Progress Software Corporation. Iona's principal place of business is located at The Iona Building, Shelbourne Road, Ballsbridge, Dublin 4 Ireland. Iona

may be served pursuant to the Hague Convention by forwarding a copy of this Complaint and Summons to the receiving authority located in Ireland.

6. Defendant Insight Enterprises, Inc. ("Insight") is a Delaware corporation, and its principal place of business is located at 6820 South Harl Avenue, Tempe, Arizona 85283. Insight's agent for service of process is: National Registered Agents, Inc., 638 N. Fifth Avenue, Phoenix, Arizona 85003.

7. Lawson Software, Inc. ("Lawson") is a Delaware Corporation and its principal place of business is located at 380 St. Peter Street, St. Paul, Minnesota 55102, and Lawson's agent for service of process is: The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

8. Lawson Software Americas, Inc. ("LSA") is a Delaware Corporation and its principal place of business is located at 380 St. Peter Street, St. Paul, Minnesota 55102, and Lawson's agent for service of process is: CT Corporation System, 350 N. St. Paul Street, Dallas, Texas 75201.

9. Defendant L'Occitane, Inc. ("L'Occitane") is a New York corporation, and its principal place of business is located at 10 East 39<sup>th</sup> Street, 8<sup>th</sup> Floor, New York, New York 10016. L'Occitane's agent for service of process is: Corporation Service Company, 211 E. 7<sup>th</sup> Street, Suite 620, Austin, Texas 78701.

10. Defendant Magic Software Enterprises Inc. ("Magic") is a Delaware Corporation, and its principal place of business is located at 23046 Avenida de la Carlota #300, Laguna Hills, CA 92653, and Magic's agent for service of process is: The Prentice-Hall Corporation System, Inc., 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

11. Defendant Magic Software Enterprises Ltd. ("MSE") is an Israeli corporation and its principal place of business is located at 5 Haplada Street, Or Yehuda 60218. MSE may be served pursuant to the Hague Convention by forwarding a copy of this Complaint and Summons to the Israeli Central Authority located in Israel.

12. Defendant Office Depot, Inc. ("Office Depot") is a Delaware corporation, and its principal place of business is located at 2200 Old Germantown Road, Delray Beach, Florida 33445. Office Depot's agent for service of process is: Corporate Creations Network Inc., 4265 San Felipe, #1100, Houston, Texas 77027.

13. Defendant Pervasive Software Inc. ("Pervasive") is a Delaware Corporation and its principal place of business is located at 12365 Riata Trace Parkway, Building B, Austin, Texas 78727, and Pervasive's agent for service of process is: Nancy Woodward, 8821 Bell Mountain Dr., Austin, Texas 78730.

14. Defendant Progress Software Corporation ("Progress") is a Massachusetts corporation and its principal place of business is located at 14 Oak Park Dr., Bedford, Massachusetts 01730. Progress's agent for service of process is: CT Corporation System, 350 N. St. Paul Street, Dallas, Texas 75201.

15. Defendant Red Hat, Inc. ("Red Hat") is a Delaware corporation and its principal place of business is located at 1801 Varsity Drive, Raleigh, North Carolina 27606. Red Hat's agent for service of process is: CT Corporation System, 350 N. St. Paul Street, Dallas, Texas 75201.

16. Defendant Ricoh Americas Corporation ("Rico") is a Delaware corporation, and its principal place of business is located at 5 Dedrick Place, West Caldwell, New Jersey 07006.

Ricoh's agent for service of process is: CT Corporation System, 350 N. St. Paul Street, Dallas, Texas 75201.

17. Defendant Rotech Healthcare, Inc. ("Rotech") is a Delaware corporation, and its principal place of business is located at 2600 Technology Drive, Suite 300, Orlando, Florida 32804. Rotech's agent for service of process is: Corporation Service Company, d/b/a Lawyers Incorporating Service Co., 211 E. 7<sup>th</sup> Street, Suite 620, Austin, Texas.

18. Defendant SAS Institute Inc. ("SAS") is a North Carolina corporation, and its principal place of business is 100 Sas Campus Drive, Cary, North Carolina 27513, and SAS's agent for service of process is: John G. Boswell, Sas Campus Drive, Attn: Legal Dept., Cary, North Carolina 27513.

19. Defendant Schenker, Inc. ("Schenker") is a New York Corporation and its principal place of business is located at 150 Albany Ave., Freeport, New York 11520. Schenker's agent for service of process is: CT Corporation System, 350 N. St. Paul St., Dallas, Texas 75201.

20. Defendant Seco Tools, Inc. ("Seco") is a Delaware corporation, and its principal place of business is located at 2805 Bellingham Drive, Troy, Michigan 48083. Seco's agent for service of process is: Prentice-Hall Corporation System, 211 E. 7<sup>th</sup> Street, Suite 620, Austin, Texas 78701.

21. Defendant Sonic Software Corporation ("Sonic"), a Delaware corporation, is a direct or indirect subsidiary of Progress Software Corporation. Sonic's principal place of business is 14 Oak Park, Bedford, MA 01730, and its agent for service of process is: The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

22. Defendant TIBCO Software Inc. (“TIBCO”) is a Delaware corporation and its principal place of business is 3303 Hillview Avenue, Palo Alto, CA 94304. TIBCO’s agent for service of process is: CT Corporation System, 350 N. St. Paul St., Dallas, Texas 75201.

23. Defendant Vitria Technology, Inc. (“Vitria”) is a Delaware corporation and its principal place of business is 945 Stewart Drive, Sunnyvale, California 94085 and Vitria’s agent for service of process is: Corporation Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701.

### **JURISDICTION**

22. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§1331 and 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. § 271 *et seq.* This Court has personal jurisdiction over the Defendants in that each of them has committed acts within Texas and this judicial district giving rise to this action and each of the Defendants has established minimum contacts with the forum such that the exercise of jurisdiction over each of the Defendants would not offend traditional notions of fair play and substantial justice.

### **VENUE**

23. Each of the Defendants has committed acts within this judicial district giving rise to this action and does business in this district, including advertising and/or providing services to their respective customers in this district. Venue is proper in this district pursuant to 28 U.S.C. §§1391(b), 1391(c) and 1400(b).

### **INFRINGEMENT OF U.S. PATENT NO. 6,195,662**

24. On February 27, 2001, United States Patent No. 6,195,662 (the “662 Patent”) was duly and legally issued for an invention entitled “System for Transforming and Exchanging

Data Between Distributed Heterogeneous Computer Systems.” A true and correct copy of the ‘662 Patent is attached hereto as Exhibit A. JuxtaComm is the exclusive licensee of the ‘662 Patent and has the right to sue on and seek enforcement of the ‘662 Patent.

25. Upon information and belief, each of the Defendants has infringed and continues to infringe the ‘662 Patent, either directly or by contributory infringement or by inducing infringement or by violating 35 U.S.C. §271(f). The infringing acts include, but are not limited to (i) making, using, selling, or offering for sale, (ii) importing into the United States, and (iii) supplying or causing to be supplied in or from the United States for use or combination abroad, products and/or services related to the transformation and exchange of data between computer systems. Each of the Defendants is liable for infringement of the ‘662 Patent pursuant to 35 U.S.C. § 271.

26. Upon information and belief, each of the Defendants’ acts of infringement has caused damage to JuxtaComm, and JuxtaComm is entitled to recover from each Defendant the damages sustained by JuxtaComm as a result of their individual wrongful acts in an amount subject to proof at trial. Each of the Defendants’ infringement of JuxtaComm’s exclusive rights under the ‘662 Patent will continue to damage JuxtaComm’s business, causing irreparable harm, for which there is no adequate remedy at law, unless it is enjoined by this Court.

27. Upon information and belief, Defendants’ infringement of the ‘662 Patent is willful and deliberate, entitling JuxtaComm to increased damages under 35 U.S.C. § 284 and to attorneys’ fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

#### **PRAYER FOR RELIEF**

WHEREFORE, JuxtaComm prays for judgment and seeks relief against each of the Defendants as follows:

- (a) For Judgment that the '662 Patent has been and continues to be infringed by each Defendant;
- (b) For an accounting of all damages sustained by JuxtaComm as the result of the acts of infringement by each Defendant;
- (c) For preliminary and permanent injunctions enjoining the aforesaid acts of infringement by each Defendant, their officers, agents, servants, employees, subsidiaries and attorneys, and those persons acting in concert with them, including related individuals and entities, customers, representatives, dealers and distributors;
- (d) For actual damages together with prejudgment interest;
- (e) For enhanced damages pursuant to 35 U.S.C. § 284;
- (f) For an award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law;
- (g) For all costs of suit; and
- (h) For such other and further relief as the Court may deem just and proper.

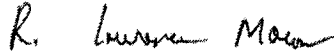
**JURY DEMAND**

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff JuxtaComm Technologies, Inc. demands a jury trial.



Respectfully submitted this the 21<sup>st</sup> day of January 2010.

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